

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**YOLANDA MACKEY,**

**Plaintiff,**

**v.**

**Civil Action 2:17-cv-846  
Judge James L. Graham  
Magistrate Judge Jolson**

**COLUMBUS CENTER FOR  
HUMAN SERVICES,**

**Defendant.**

**REPORT AND RECOMMENDATION**

A preliminary pretrial was scheduled in this case for Wednesday, January 10, 2018. (Doc. 8). Counsel for Defendant appeared, but no appearance was made by or on behalf of Plaintiff. Plaintiff also failed to confer with defense counsel regarding the Rule 26(f) Report. The same day, the Court issued an Order requiring Plaintiff to show cause within fourteen days why this case should not be dismissed for want of prosecution.

Considerable time had passed since the Court issued its Order, and Plaintiff has not responded or sought an extension of time in order to do so. Thus, it appears that Plaintiff no longer intends to pursue this action. The Court may dismiss an action for failure to prosecute under its inherent power to control its docket, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 629 (1962), or under Rule 41(b) of the Federal Rules of Civil Procedure. Based upon the foregoing, the Court **RECOMMENDS** that this action be dismissed.

**Procedure on Objections**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those

specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: April 4, 2018

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE